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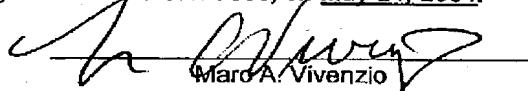
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 24 2004

In re the Application of: Becken, Donald A.
Serial No.: 10/621,865
Filed: July 17, 2003
For: Snap-In Roller
Examiner: N/A
Art Unit: 3676

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

The undersigned hereby certifies that this document is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 703-872-9306, on May 24, 2004.


Marc A. Vivenzio

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RETROACTIVE FOREIGN LICENSE DECLARATION
PURSUANT TO 37 CFR § 5.25 (a)(3)(i)-(iii)

Sir:

I, Marc A. Vivenzio, hereby declare as follows:

1. I am an associate with the law firm of Lorusso Loud & Kelly LLP and a registered patent attorney with the United States Patent and Trademark Office, Registration No. 52,326.

2. I was assigned and have been personally involved in the prosecution of the above-referenced application U.S. Ser. No. 10/621,865 (hereinafter "the '865 application").

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3. I am submitting this declaration in support of a petition for retroactive license in the '865 application.

4. To the best of my knowledge and belief, the subject matter of the '865 patent application was not under any secrecy order at the time it was filed abroad and is not currently under a secrecy order. In further support of my belief, attached hereto as Exhibit A is a foreign filing license granted on February 2, 2004.

5. Pursuant to a recent file transfer request from the '865 application assignee, the application was inspected prior to transfer. Upon inspection, it was discovered that a foreign filing license had not been obtained prior to filing Canadian Application No. 2,435,502, which contains the same subject matter. To address this matter, I commenced the process of preparing this petition for a retroactive foreign filing license.

6. The facts leading up to the error are these. The '865 application was filed on July 17, 2003 to avoid an approaching bar date. I contacted the applicant via phone the same day to inquire about whether the applicant wanted to file any foreign applications. The applicant requested that the application be filed in Canada.

To pursue a Canadian application, I contacted my firm's affiliate Canadian counsel on the same day, July 17, 2003, to authorize the filing of a Canadian application corresponding to the '865 application. Upon explaining the bar date situation with Canadian counsel, I was informed that an application had to be filed that day, July 17, 2003, in Canada to preserve the opportunity to seek patent protection in Canada. I immediately faxed our Canadian counsel the complete application with filing instructions to prevent loss of patent rights in Canada (see Exhibit B). In the haste to ensure that both the US and Canadian applications were timely filed to preserve patent rights, no thought was given to obtain a foreign filing license. The application was filed and then

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immediately docketed and placed into storage. Attached is a copy of the filing receipt for the corresponding Canadian Application (Exhibit C)

7. The error in not obtaining a foreign license was a complete oversight made through error and without any deceptive intent.

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any registration resulting therefrom, declares: That he is an associate of the firm given a power of attorney to prosecute this case and is authorized to execute this declaration on behalf of said applicant; that the facts set forth in this declaration are true; and that all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

LORUSSO LOUD & KELLY LLP

Date:

5/24/04

By

Marc A. Vivenzio

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